IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

OP.No. 17402 of 2001(V)

PETITIONER:

SURENDRAN NAIR.K.,
S/O.KRISHNA PILLAI,
SAROJ, PARASSALA, THIRUVANANTHAPURAM.

BY ADV. SRI.N.MAHESH

RESPONDENTS:
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1. THE ENFORCEMENT OFFICER,
OFFICE OF THE REGIONAL PROVIDENT FUND COMMISSIONER,
PATTOM, TRIVANDRUM.

2. THE REGIONAL PROVIDENT FUND COMMISSIONER,
KERALA, THIRUVANANTHAPURAM.

BY ADV. SRI.N.N. SUGUNAPALAN, SC, P.F.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 03/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (OP NO.17402 OF 2001)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the sanction order for prosecution dtd.17.4.99.

Ext.P2: Copy of complaint in S.T.1248/99 pending before the Judl.Magistrate of !st Class-II, Neyyattinkara.

Ext.P3: Copy of the sale deed No.10382/93 of the S.R.O., Parassala.

RESPONDENTS' EXHIBITS:

Ext.R1(a): Copy of the prosecution notice dtd.7.7.99.

Ext.R1(b): Copy of the plaint in O.S.No. Of 1998.

Ext.R1(c): Copy of the Enforcement Officer's report dtd.28.7.97.

-True Copy-

P.A.to Judge.

S. SIRI JAGAN, J.

O.P.NO. 17402 OF 2001 - V

Dated this the 3rd day of October, 2007

J U D G M E N T

When this original petition came up on 28.9.2007, counsel for the petitioner was not present on that day. Therefore, I posted it for disposal today. Today also, counsel for the petitioner is not present.

2. I have heard the learned Standing Counsel appearing for the respondents.

3. The petitioner is challenging the order dated 17.4.1999 of the second respondent granting sanction for prosecuting the petitioner under the Employees' Provident Funds and Miscellaneous Provisions Act,1952. The contention of the petitioner is that the petitioner has not committed the offence as complained of. This is a matter which the petitioner has to prove by adducing evidence before the criminal court. Therefore, I am not inclined to entertain this original petition and accordingly, the same is dismissed.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

O.P.NO.17402 OF 2001

J U D G M E N T

DATED: 03-10-2007